



**U.S. ARMY CORPS OF ENGINEERS  
REGULATORY PROGRAM  
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)  
NAVIGABLE WATERS PROTECTION RULE**

**I. ADMINISTRATIVE INFORMATION**

Completion Date of Approved Jurisdictional Determination (AJD): 5/24/2021  
 ORM Number: SAC-2005-41229  
 Associated JDs: N/A  
 Review Area Location<sup>1</sup>: State/Territory: South Carolina City: Goose Creek  
 County/Parish/Borough: Berkeley  
 Center Coordinates of Review Area: Latitude 32.991 Longitude -80.0269

**II. FINDINGS**

- A. Summary:** Check all that apply. At least one box from the following list MUST be selected. Complete the corresponding sections/tables and summarize data sources.
- The review area is comprised entirely of dry land (i.e., there are no waters or water features, including wetlands, of any kind in the entire review area). Rationale: N/A
  - There are “navigable waters of the United States” within Rivers and Harbors Act jurisdiction within the review area (complete table in Section II.B).
  - There are “waters of the United States” within Clean Water Act jurisdiction within the review area (complete appropriate tables in Section II.C).
  - There are waters or water features excluded from Clean Water Act jurisdiction within the review area (complete table in Section II.D).

**B. Rivers and Harbors Act of 1899 Section 10 (§ 10)<sup>2</sup>**

§ 10 Name	§ 10 Size	§ 10 Criteria	Rationale for § 10 Determination
N/A.	N/A.	N/A.	N/A.

**C. Clean Water Act Section 404**

Territorial Seas and Traditional Navigable Waters ((a)(1) waters): <sup>3</sup>			
(a)(1) Name	(a)(1) Size	(a)(1) Criteria	Rationale for (a)(1) Determination
N/A.	N/A.	N/A.	N/A.

Tributaries ((a)(2) waters):			
(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination
N/A.	N/A.	N/A.	N/A.

Lakes and ponds, and impoundments of jurisdictional waters ((a)(3) waters):			
(a)(3) Name	(a)(3) Size	(a)(3) Criteria	Rationale for (a)(3) Determination
N/A.	N/A.	N/A.	N/A.

Adjacent wetlands ((a)(4) waters):			
(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
N/A.	N/A.	N/A.	N/A.

<sup>1</sup> Map(s)/figure(s) are attached to the AJD provided to the requestor.

<sup>2</sup> If the navigable water is not subject to the ebb and flow of the tide or included on the District’s list of Rivers and Harbors Act Section 10 navigable waters list, do NOT use this document to make the determination. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Rivers and Harbors Act Section 10 navigability determination.

<sup>3</sup> A stand-alone TNW determination is completed independently of a request for an AJD. A stand-alone TNW determination is conducted for a specific segment of river or stream or other type of waterbody, such as a lake, where upstream or downstream limits or lake borders are established. A stand-alone TNW determination should be completed following applicable guidance and should NOT be documented on the AJD Form.



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**D. Excluded Waters or Features**

Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>				
Exclusion Name	Exclusion Size		Exclusion <sup>5</sup>	Rationale for Exclusion Determination
Wetland A	2.24	acre(s)	(b)(1) Non-adjacent wetland.	Wetland A does not meet the definition of an adjacent wetland (33 CFR 328.3(c)(1)) since it does not abut an (a)(1)-(a)(3) water, is not separated from an (a)(1)-(a)(3) by a natural feature, nor is it separated by an artificial structure that allows for a direct surface connection in a typical year. See Section III.C for more information.
Ditch A	770	linear feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	Ditch A is not an (a)(1) or (a)(2) water and was not constructed in an (a)(4) water. Ditch A was constructed entirely in the uplands is not a relocated a tributary. See Section III.C for more information.

**III. SUPPORTING INFORMATION**

**A. Select/enter all resources** that were used to aid in this determination and attach data/maps to this document and/or references/citations in the administrative record, as appropriate.

Information submitted by, or on behalf of, the applicant/consultant: [Approved Jurisdictional Request submitted on 13 May 2021.](#)

This information is and is not sufficient for purposes of this AJD.

Rationale: [The request referenced a previous PJD submittal received in 2018 which contains sufficient information about the site. However, the PJD did not consider a ditch located within the review area which is relevant to reevaluating jurisdiction under the Navigable Waters Protection Rule.](#)

Data sheets prepared by the Corps: [N/A](#)

Photographs: [Aerial: Aerial imagery from Historicaerials.com \(1957, 1971, 1983\)](#)

Corps site visit(s) conducted on: [N/A](#)

Previous Jurisdictional Determinations (AJDs or PJDs): [PJD issued on July 30, 2018 \(SAC-2005-41229\)](#)

Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)

USDA NRCS Soil Survey: [Berkeley County, South Carolina \(Web Soil Survey\)](#)

USFWS NWI maps: [NWP Web Mapper, accessed 19 May 2021](#)

USGS topographic maps: [Ladson 7.5'x7.5' quadrangle \(1919, 1943, 1959\); Mount Holly 7.5'x7.5' Quadrangle \(2017\) Ravenels 15'x15' quadrangle \(1944\)](#)

<sup>4</sup> Some excluded waters, such as (b)(2) and (b)(4), may not be specifically identified on the AJD form unless a requestor specifically asks a Corps district to do so. Corps districts may, in case-by-case instances, choose to identify some or all of these waters within the review area.

<sup>5</sup> Because of the broad nature of the (b)(1) exclusion and in an effort to collect data on specific types of waters that would be covered by the (b)(1) exclusion, four sub-categories of (b)(1) exclusions were administratively created for the purposes of the AJD Form. These four sub-categories are not new exclusions, but are simply administrative distinctions and remain (b)(1) exclusions as defined by the NWPR.



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**Other data sources used to aid in this determination:**

Data Source (select)	Name and/or date and other relevant information
USGS Sources	N/A.
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
LiDAR data/maps	South Carolina Department of Natural Resources (SCDNR)
Other Sources	N/A.

**B. Typical year assessment(s):** N/A

**C. Additional comments to support AJD:** Wetland A was previously reviewed in a PJD issued on July 30, 2018. Conditions on the site have not changed since 2018 and the wetland delineation was determined to still be valid. For a wetland to be jurisdictional under the Navigable Waters Protection Rule, it must be adjacent to an (a)(1)-(a)(3) water; wetland adjacency is defined at 33 CFR 328.3(c). Other than Ditch A (discussed below) no other aquatic features were identified which would potentially meet the requirements for an (a)(1)-(a)(3) water. Although a hydrologic connection exists to an (a)(1) water (the Cooper River) through Ditch A and other downstream tributaries, this connection does not meet the requirements of adjacency. Based on this information, Wetland A is an non-adjacent wetland and is non-jurisdictional under the Navigable Waters Protection Rule.

Ditch A is located along the eastern edge of the review area and appears to drain water from Wetland A to a drainage ditch system associated with a residential area north of the site. This system conveys water north where it empties into the Lindsey Branch and eventually into the Cooper River (Figures 1-2). A review of historic aerial imagery back to 1957 (Figures 3-5) shows that the review area was previously clear of trees up until the 1980's, when it was allowed to regrow. No evidence of a natural stream or any other tributary was observed within the review area. Furthermore, historic topographic maps going back to 1919 (Figures 6-10) do not show any blue stream lines or other indications that a tributary was previously located on the site. The only indications of such a feature is outside of the review area to the north and west. By 1959 (Figure 6), there is no more evidence of this feature (likely due to the residential development that began around this time). Based on this information, Ditch A is not built within a tributary or an adjacent wetland and is not itself a relocated tributary. Although portions of the ditch may have been constructed in Wetland A, the wetland does not meet the adjacency requirements for jurisdiction. Therefore, Ditch A is not a jurisdictional aquatic feature and is a (b)(5) excluded feature.